

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

JOSEPH R. SAAVEDRA,

Plaintiff,

v.

No. CV 10-1052 RB/LAM

TIM LEMASTER,

Defendant.

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ORDER GRANTING LEAVE TO PROCEED  
PURSUANT TO 28 U.S.C. § 1915(b),  
AND TO MAKE PAYMENTS OR SHOW CAUSE

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**THIS MATTER** is before the Court on Plaintiff's *Prisoner's Motion and Affidavit For Leave to Proceed Pursuant to 28 U.S.C. § 1915* (Doc. 2) filed on November 8, 2010. The filing fee for this civil rights complaint is \$350.00. Plaintiff is required to pay the full amount of the filing fee pursuant to § 1915(b)(1). Based on the information about Plaintiff's financial status, the Court finds that Plaintiff is able to pay an initial partial payment of \$6.30 pursuant to § 1915(b)(1), and, thereafter, will be required to pay 20% of Plaintiff's preceding month's income credited to his account or show cause why he has no assets and no means by which to pay the designated payment. The Court will not review the merits of the civil rights complaint until the initial partial payment is paid or excused. If Plaintiff fails to have the designated initial partial payment or subsequent monthly payments sent to the Court by the designated deadline or to show cause why he has no assets and no means to make such payments, the civil rights complaint **will be dismissed without prejudice without further notice.**

**IT IS THEREFORE ORDERED** that Plaintiff's *Prisoner's Motion and Affidavit For Leave to Proceed Pursuant to 28 U.S.C. § 1915 (Doc. 2)* is **GRANTED**;

**IT IS FURTHER ORDERED** that, **within thirty (30) days from entry of this order**, Plaintiff will either: (1) pay to the Clerk of the Court an initial partial payment of **\$6.30**, or (2) show cause why he has no assets and no means by which to pay the designated initial partial payment;

**IT IS FURTHER ORDERED** that the Clerk of the Court will provide Plaintiff with two copies of this order, and Plaintiff is directed to make the necessary arrangements to attach one copy of this order to the check in the amount of the designated initial partial payment;

**IT IS FINALLY ORDERED** that, after payment of the initial partial fee, Plaintiff will be required to make monthly payments of twenty per cent (20%) of the preceding month's income credited to Plaintiff's account or show cause why he has no assets and no means by which to pay the designated payment. The Clerk of the Court will provide plaintiff with two copies of the post-filing financial certificate, and Plaintiff is directed to make the necessary arrangements to have the monthly payments identified by the civil action number on this order.

**IT IS SO ORDERED.**

  
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**THE HONORABLE LOURDES A. MARTÍNEZ**  
**UNITED STATES MAGISTRATE JUDGE**